

REMARKS

To advance prosecution of this case, and to reduce issues on appeal, Applicant has amended Claims 1 and 31 to address the Examiner's Section 112 rejection concerning the use of the word "conductive." However, Applicant respectfully disagrees with the Examiner's view and definition of conduction, and the amendment is not made to forfeit claim coverage for systems that conductively cool a reservoir.

The claim language covers, among other things, cooling by conduction, as it recites that the reservoir and cooling source are "located in cooling proximity" – language that certainly includes conductive cooling. The recited language is firmly supported in the specification, as follows:

"In a preferred embodiment, the reservoir 42 is located in close proximity to evaporator 32 or other cooling source (such as, without limitation, ice in the ice bin of an ice maker or dispenser), to cool (pre-chill) the water within the reservoir 32. Thus, with the system shown in FIGURE 3, a reservoir of relatively cold water (because of the reservoir's proximity to the cooling source) is available for use by the host system. This pre-chilling increases the efficiency of the host system's functions." (page 9, lines 15-20), and


"As discussed above in connection with the other figures, the reservoir 72 may be located in close proximity to the cooling unit 74 (including, without limitation, near the cold plate or ice that cools the cold plate in a cold-plate type dispenser), to pre-cool the water in the reservoir 72. Also, where the beverage dispenser is the type that also includes an ice maker, the reservoir 72 may be located in close proximity to the ice bin or to the evaporator of ice maker." (page 13, lines 3-7).

A copy of the Notice of Appeal that is being mailed with the appropriate fee is provided with this response.

If there are any questions concerning this response, please call Dennis Braswell at the telephone number set forth below.

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12/16/04
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